

AMENDED IN ASSEMBLY APRIL 10, 2008

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 3019

Introduced by Assembly Member Carter ~~Members Carter and Lieber~~

February 22, 2008

An act to add ~~Section~~ *Sections 1370.02 and 3070.1* to the Penal Code, relating to ~~parole~~ *corrections*.

LEGISLATIVE COUNSEL'S DIGEST

AB 3019, as amended, Carter. ~~Parole: disabled prisoners. Corrections: disabled and mentally ill prisoners.~~

Existing law provides a procedure for the transfer of mentally incompetent defendants to a state hospital, as specified. These procedures generally require a court to order the transfer of a mentally incompetent defendant to a state hospital or other specified facility.

This bill would require the State Department of Mental Health to publish, on a monthly basis, statistics on the number of days required to make transfers of mentally incompetent defendants between county and state facilities.

~~Existing law requires the Department of Corrections and Rehabilitation to develop a plan that would ensure all prisoners and parolees who are substance abusers receive appropriate treatment, as specified. Existing law, the Lanterman Developmental Services Act, provides services for developmentally disabled consumers, including prisoners, and requires regional centers to obtain criminal justice expertise to assist in providing those services.~~

~~This bill would require the department to create a specialized rehabilitation and parole program for prisoners who have developmental disabilities. Department of Corrections and Rehabilitation to establish~~

a developmentally disabled prisoner program that identifies inmates who are eligible for services under that act and creates an administrative plan to ensure receipt of those services from the appropriate regional center. The bill would also require that representatives of the State Department of Developmental Services and other appropriate state departments provide staff assistance, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 1370.02 is added to the Penal Code, to*
2 *read:*
3 *1370.02. The State Department of Mental Health shall report*
4 *and publish, on a monthly basis, statistics on the number of days*
5 *required to make transfers of mentally incompetent defendants*
6 *between county and state facilities pursuant to Section 1370.*
7 ~~*SECTION 1.*~~
8 *SEC. 2. Section 3070.1 is added to the Penal Code, to read:*
9 *3070.1. The Department of Corrections and Rehabilitation*
10 ~~*shall create a specialized rehabilitation and parole program for*~~
11 ~~*prisoners who have developmental disabilities, in order to better*~~
12 ~~*reintegrate those prisoners into the community upon release. shall*~~
13 *establish a developmentally disabled prisoner program that*
14 *identifies inmates who are eligible for services under the*
15 *Lanterman Developmental Disabilities Services Act (Division 4.5*
16 *(commencing with Section 4500) of the Welfare and Institutions*
17 *Code) and creates an administrative plan to monitor those*
18 *individuals to ensure that they are identified and referred to, and*
19 *receive services from, the appropriate regional center.*
20 *Representatives of the State Department of Developmental Services*
21 *and other appropriate state departments shall provide staff*
22 *assistance necessary to effectuate and operate this program.*